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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,961	01/20/2001	James D. O'Brien	00-40023-US	9156
28977	7590	04/27/2005	EXAMINER	
MORGAN, LEWIS & BOCKIUS LLP 1701 MARKET STREET PHILADELPHIA, PA 19103-2921			LIN, KENNY S	
			ART UNIT	PAPER NUMBER
			2154	
DATE MAILED: 04/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/765,961

Applicant(s)

O'BRIEN, JAMES D.

Examiner

Kenny Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-13 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-13 are presented for examination.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg et al (Hereinafter Gerszberg), US 5,970,473, in view of Gile et al (Hereinafter Gile), US 6,317,779, and Mann, II et al (Hereinafter Mann), US 5,577,186.

4. Gerszberg and Gile were cited in the previous office action.

5. As per claim 1, Gerszberg taught the invention substantially as claimed including a method for delivering home/auto/cook repair information to a home owner over a global computer network (col.7, lines 51-55, col.8, lines 12-29), comprising the steps of:

- a. Presenting the home owner with a first Internet web page that contains a first list of home repair topics (col.8, lines 12-43, col.9, lines 19-22, col.10, lines 27-32);
- b. Presenting the home owner, in response to selection by the home owner of a selected home repair topic from the first Internet web page, with at least one

second Internet web page that contains a second list of home repair topics, wherein the second set of home repair topics correspond to specific home repair topics associated with the home repair topic selected from the first web page (col.9, lines 19-39, col.10, lines 27-58).

6. Gerszberg did not specifically teach to download a video segment to a computer associated with the home owner in response to selection by the home owner from the second Internet web page, wherein the video segment includes step-by-step instructions for completing a home repair project associated with the home repair topic selected from the second internet web page. Gile taught to download selected video segment from the available services displayed on a browser to a computer associated with the home owner in response to selection by the home owner (col.2, lines 10-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gerszberg and Gile because Gile's teaching of downloading a video segment from the selected service enable Gerszberg's system to download video for later viewing if the selected service page contains downloadable videos clips. Gerszberg and Gile did not specifically teach that the video segment includes step-by-step instructions for completing a home repair project associated with the selected topic. Mann taught to provide step-by-step instruction video segments (col.2, lines 1-7, 65-67, col.3, lines 1-2, 40-45, col.4, lines 34-37, 56-60, col.6, lines 1-7, col.7, lines 50-54, col.10, lines 10-12, 58-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gerszberg, Gile and Mann because Mann's teaching of including step-by-step instruction in the selected video segment for service topic enables Gerszberg and Gile's

Art Unit: 2154

system to provide leaning-by-doing lessons to tutor and train the user step-by-step about the selected service topic (abstract, col.4, lines 34-37, col.7, lines 50-54)

7. As per claim 2, Gerszberg, Gile and Mann taught the invention substantially as claimed in claim 1. Gile further taught that wherein step c. comprises the step of: providing a preview video segment to a computer associated with the home owner in response to selection by the home owner of a home repair topic from the second Internet web page (col.3, lines 36-53); and after the home owner views the preview video segment, downloading a full-length video segment to a computer associated with the home owner if the home owner approves of such downloading after viewing of the preview, wherein the full-length video segment corresponds to the home repair topic selected from the second Internet web page (col.2, lines 10-17, col.3, lines 36-53). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gerszberg, Gile and Mann because Gile's teaching of previewing and downloading a video segment from the selected service enable Gerszberg's system to preview and download video regarding the requested service if the selected service page contains downloadable videos clips.

8. As per claim 3, Gerszberg, Gile and Mann taught the invention substantially as claimed in claim 2. Gerszberg further taught wherein step c. further comprises presenting the home owner with a third Internet web page that contains a list of materials required to complete the home repair project (col.9, lines 34-42, col.10, lines 40-54).

Art Unit: 2154

9. Claims 4-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg, Gile and Mann as applied to claims 1-3 above, and further in view of "Official Notice".

10. As per claim 4, Gerszberg, Gile and Mann taught the invention substantially as claimed in claim 3. Gerszberg further taught wherein the list of materials includes a price associated with each item on the list of materials (col.10, lines 32-54). Gerszberg, Gile and Mann did not specifically teach the list of materials to include a quantity associated with the items. However, Gerszberg taught that the list of services are not limited and may be customer-configured based on specified preferences (col.8, lines 12-29). "Official Notice" is taken that it would have been obvious to include quantity column in the list of materials to show the availability of the material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gerszberg, Gile, Mann and further include price and quantity of materials of a particular service in the web page for customers to compare prices and select desire quantity.

11. As per claim 5, Gerszberg, Gile and Mann taught the invention substantially as claimed in claim 4. Gerszberg further taught wherein, prior to step c., the home owner is prompted to enter a zip code associated with a geographic location of the home owner (col.8, lines 55-59), said method further comprising: d. retrieving from a database, in response to the zip code and the home project, a list of suppliers in the geographic location of the home owner that can supply the home owner with each of the items on the list of materials required to complete the home repair project (col.8, lines 12-31, 55-67, col.9, lines 1-7, 22-29).

Art Unit: 2154

12. As per claim 6, Gerszberg, Gile and Mann taught the invention substantially as claimed in claim 5. Gerszberg further taught to comprise: e. retrieving from a database, in response to the zip code and the home repair project, a list of contractors in the geographic location of the home owner that can complete the home repair (col.8, lines 12-31, 55-67, col.9, lines 1-7, 22-29).

13. As per claims 7-13, since these claims contain the same scope as Claims 1-6, they are rejected under the same ground stated above. Furthermore as per claims 7-12, Gerszberg, Gile and Mann did not specifically teach that the repair is auto repair. As per claim 13, Gerszberg, Gile and Mann did not specifically teach that the list is a list of cooking topics. However, Gerszberg taught that the list of services are not limited and may be customer-configured based on specified preferences (col.8, lines 12-43, col.9, lines 19-22, col.10, lines 27-32). "Official Notice" is taken that it would have been obvious to include in the list of services auto repairing, cooking and many other categories as well. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings Gerszberg, Gile and Mann and further include more categories of services in the list of services as suggested by Gerszberg to support more types of users.

### *Response to Arguments*

14. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2154

15. Because Applicants have failed to challenge any of the Examiner's "Official Notices" stated in the previous office action in a proper and reasonably manner, they are now considered as admitted prior art. See MPEP 2144.03

### *Conclusion*

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Scott et al, US 6,338,094.

Hulten, US 5,975,908.

Dries et al, US 5,986,670.

Swix et al, US 6,718,551.

Home Improvement Videos, Department of Neighborhood Services, Website, January 12, 2000.

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37



Art Unit: 2154

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl  
April 18, 2005

A handwritten signature in black ink, appearing to read "N. El Hadj", with a long, sweeping vertical stroke extending downwards from the end of the signature.